THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No. 3082 of 2000

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Dated: 25.01.2006

Between:

Y.B. Gotiyya, S/o Siddaiah,
Ex.Conductor (E-35127),Tadepalligudem Bus Depot,

A.P.S.R.T.C., West Godavari District.

..... PETITIONER

AND

1 The Depot Manager, A.P.S.R.T.C.,
Nidadavole, West Godavari District and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No. 3082 of 2000

Order:

By this writ petition, the petitioner seeks a direction to the respondents to pay the family pension and penal interest at the rate of 9% per annum on gratuity amount from the date of his retirement.

The petitioner, who retired from service as Conductor on 31.12.1998, states that he is a member of the family pension scheme and he contributed for the same. The respondent-Corporation having deducted the amounts from his salary every month

towards family pension scheme, failed to pay the same to him from the date of his retirement. He further states that since there is delay in payment of gratuity amount to him by the respondent-Corporation, he is entitled to penal interest at the rate of 9% per annum on the same. Hence, he filed the present writ petition.

Though the writ petition was admitted on 29.02.2000,
the respondent-Corporation does not file any counter affidavit so far. Hence, to appreciate the contentions raised by the petitioner in this writ petition, the learned Standing Counsel for A.P.S.R.T.C., was directed to produce relevant records before this Court. Accordingly, the learned Standing Counsel for A.P.S.R.T.C., produced relevant records before this Court, which would show that the petitioner has not opted for the family pension scheme, 1971, and therefore, he is not entitled to get any family pension from the respondent-Corporation. The records further show that the petitioner was paid an amount of Rs.33,000/- towards gratuity. But, according to the petitioner, the respondent-Corporation has to pay some more amounts to him towards retiral benefits.

At this juncture, both the counsel agreed to dispose of the writ petition with a direction to the respondent-Corporation to settle all the retrial benefits of the petitioner.

Having regard to the facts and circumstances of the case, and in view of the agreed stand taken by both the counsel,
I deem it appropriate to dispose of the writ petition directing the respondent-Corporation to settle all the retiral benefits of the petitioner, which he is entitled to, within a period of three months from the date of receipt of a copy of this order. No costs.

N.V. RAMANA, J.

Date: 25.01.2006

Nsr/Tvk